IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Crl.Rev.Pet.No. 601 of 1999-A

CRA.173/1996 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.27/1992 of ADDL.CHIEF JUDICIAL MAGISTRATE,ECOPNOMIC OFFENCES, ERNAKULAM
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REVN. PETITIONER:

KONGACHERRY KOYA HAMEED,
S/O. K.M. KOYA,
HOUSE NO. X/1922,
SOUTH THAMARAPARAMBU, FORT KOCHI.

BY ADV. SRI.K.A.JALEEL

RESPONDENTS:

THE ASST.COLLECTOR OF CUSTOMS,
CUTOMS HOUSE, COCHIN-9.

SRI.JOHN VARGHESE, ASSISTANT SG

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 2701 OF 1999 IN CRL.R.P.NO. 601 OF 1999

DISMISSED.

13-3-2007 SD/-K.R.UDAYABHANU, JUDGEs

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.601 of 1999

DATED THIS THE 13th day of March 2007

ORDER

The revision petitioner stands convicted for the offence under Sections 135(1) of the Customs Act and sentenced, as modified by the appellate court, to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/- and in default to undergo simple imprisonment for two months. It is noted that he has been in judicial custody from 20-1-1992 to 29-1-1992. The incident has taken place on 20-1-1992.

Counsel for the petitioner has sought for leniency so far as the sentence is concerned. Evidently more than one decade is over since the commencement of the proceedings. It is further submitted that the revision petitioner/ accused is financially in a very weak situation and that he is only having a make-shift shop and that the gold amounting to 400 grams were brought by him for the marriage of his sister. It is also submitted that he has remitted a sum of Rs.30,000/- at the time of adjudication proceedings. In the circumstances, the sentence is modified to

the period of imprisonment already undergone and to pay a fine of Rs.25,000/- and in default to undergo rigorous imprisonment for a period of six months. The amount, if any deposited as cash deposit for availing bail shall be adjusted towards the amount to be paid as fine. The revision petitioner is granted two months time from today onwards to remit the fine amount. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.601 OF 1999-A

ORDER

13-3-2007